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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,519

11/15/2006

Fabio Magid Bazhuni Maia

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04/01/2008

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EXAMINER

NEWAY, BLAINE GIRMA

ART UNIT

PAPER NUMBER

4133

MAIL DATE

DELIVERY MODE

04/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,519	<b>Applicant(s)</b> MAIA, FABIO MAGID BAZHUNI	
	<b>Examiner</b> BLAINE G. NEWAY	<b>Art Unit</b> 4133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/15/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/13/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is in response to application filed on November 15, 2006, in which claims 1-12 are presented for examination.

#### ***Status of Claims***

Claims 1-12 are pending of which claim 1 is in independent form.

#### ***Claim Objections***

1. Claim 1 objected to because of the following informalities: The term "produced by" is unclear. The examiner suggests changing "produced by" to "made from" to avoid confusion. Appropriate correction is required.
2. Claims 4-12 are objected to under 37 CFR 1.75(c) as being in improper form because multiple dependent claims 3-12. See MPEP § 608.01(n). Accordingly, claims 4-12 have not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apps et al (US 5,967,322) or Apps herein in view of Kingsbury (US 995,259).

Regarding claim 1, Apps discloses a box (10) for packaging an electronic voting machine (intended use), made from a resistant plastic material (column 1 lines 7-10) , which includes a base, side walls, a top opening provided with a border in its periphery and a cover (figure 1).

Apps does not disclose 1- a border provided with an identification means; and 2- the cover including a cut-out which permits visualization of the identification means.

Kingsbury teaches a box with a border provided with an identification means, and a cover with a cut-out which permits the visualization of the identification means (figures 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided an identification means on the border of the Apps box, as thought by Kingsbury, and a corresponding cut-out in the cover of the Apps box, to permit easy identification of the contents of the box of the combination of Apps and Kingsbury.

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Regarding claim 2, Apps further discloses the box having at least one viewing window (40) located in at least one side of the box (figure 1).

Regarding claim 3, Apps further discloses the box having a shape that enables one to stack two or more boxes both in the opened or closed conditions (figures 6 and 7).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I Goldberg (US 1,734,621)

John Tulloch (US 5,673,796)

A.L. Sheldon (US 3,690,450)

Christopher Autterson (US 2002/0066688 A1) all relate to packages with windows and labels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAINE G. NEWAY whose telephone number is (571)270-5275. The examiner can normally be reached on M-F 7:30 AM- 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on 571 272 4017. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blaine G Neway/  
Examiner, Art Unit 4138

2/26/2008

/Frantz Coby/  
Supervisory Patent Examiner  
Art Unit 4133

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